



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
(304) 284-7431 TDD (304) 284-7512
FAX (304) 284-7534 www.morgantownwv.gov

August 18, 2016

Sheetz, Inc.
c/o Robert Franks
5700 6th Avenue
Altoona, PA 16602

**RE: V16-24 / Sheetz, Inc. / 21 Asturias Lane
Tax Map 6, Parcel 4.6**

Dear Mr. Franks,

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced variance petition for variance relief from Article 1369 as it relates to signage at 21 Asturias Lane.

The decision is as follows:

Board of Zoning Appeals, August 17, 2016:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board granted variances as shown in the following tables:

Suspended Signs

Article	Proposed	Allowed	Requisite Variance
1369.07(G)(1)	77.7 sf (area)	6 sf (area)	71.7 sf (area)
1369.07(G)(2)	Internally illuminated	Non-illuminated	Illumination
1369.07(G)(4)	3 suspended signs	1 suspended sign	2 additional suspended signs

Wall Signs

Article	Proposed	Allowed	Requisite Variance
1369.07(I)(1)	163.2 sf (area)	63 sf (area)	100.2 sf (area)

Post and Panel Signs

Article	Proposed	Allowed	Requisite Variance
1369.07(F)(1)(a)	22.3 ft (height)	6 ft (height)	16.3 ft (height)
	15.1 ft (height)	6 ft (height)	9.1 ft (height)
1369.07(F)(1)(b)	118.5 sf (area)	32 sf (area)	86.5 sf (area)
	38.7 sf (area)	32 sf (area)	6.7 sf (area)

ADDENDUM A – Approved Findings of Fact

V16-24 / Sheetz / 21 Asturias Lane

Menu Board Sign Variances

Article	Proposed	Allowed	Requisite Variance
1369.07(D)(1)	51.2 sf (area)	32 sf (area)	19.2 sf (area)
1369.07(D)(1)	13 ft (height) 6 ft – 2 5/16 in (height)	6 ft (height) 6 ft (height)	7 ft (height) 2 and 5/16 in (height)
1369.07(D)(3)	2 (number)	1 (number)	1 additional menu board sign

Directional Sign Variances

Article	Proposed	Allowed	Requisite Variance
1369.07(K)(1)	Instructional messaging with corporate logos	Instructional messaging only	Corporate logos
1369.07(K)(2)	Metal and Plastic	Wood or Masonry	Metal and Plastic
1369.07(K)(3)	Illuminated directional signs	Non-illuminated directional signs	Illuminated directional signs

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approvals are set to expire in twelve (12) months unless you can demonstrate that it has been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board. Please note that sign and building permits must be obtained prior to the commencement of work for which variance relief was granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving your plans review and permitting needs.

Respectfully,



Stacy Hollar
Executive Secretary

ADDENDUM A – Approved Findings of Fact

V16-24 / Sheetz / 21 Asturias Lane

Finding of Fact No. 1 – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

The property is located in a rural commercial area with minimal existing development. There is business along the same road, closer to the City with signage of similar size. The signage is designed to provide the public the ability to recognize services offered while still traveling safely on a high traffic road that provides minimal reaction time for making a decision. A large portion of the signage is designed to be seen and provide the public direction while within the boundaries of the property and difficult to be seen outside the boundaries of the property. This provides no negative impact on the surrounding properties. The design of the signage is consistent with the architectural design of the facility which is consistent with planning and zoning codes.

A gas price sign provides the public adequate notice that gasoline is sold on the Property, and notice of the price, in order for drivers to get into the proper lane and make a safe turn onto the Property. The lack of any sign advertising price may result in unsafe turning movements or reductions in speed while customers attempt to determine the gas price before turning onto the Property. It may also result in congestion of interior drives while customers drive up to the pump to determine gas prices. The sign also provides useful information on the services provided that are either new to Sheetz and or important to the customer base in this area. The sign is elevated above the road and does not create a line of site issue. The public also has ample time to recognize and react while driving along a high traffic roadway.

The design of this building is a new one of kind design and the wall signs on the building have been designed as an architectural element marking the locations of the entrance doors and provide brand recognition. The drive thru sign on the wall provides the public information on a new service offered and not typically found at a Sheetz. The wall signs on the canopy, which is a one of kind design for Sheetz, are required to reinforce to the public that the petroleum products being offered are Sheetz products.

All the signage associated with the drive thru (directional, clearance and menu) all are required to help the public recognize a new service typically not found at most Sheetz stores. The design is also to help the traveling public maneuver through the lot with little indecision leading to safer travel for everyone on the property. Use of the logo's helps to reinforce the brand message. Internal illumination is a preference, external illumination of directional signage can be a maintenance item, lights being knocked over during mowing, cars that may drive over the curb etc. once these lights are in disrepair and the directional signs are not illuminated can lead to the potential traffic confusion within the property. The order point operates similar to the order points found inside a Sheetz. Again since a drive thru is a relatively new concept and the means to order is unconventional to a typical drive thru at other non-Sheetz locations, the need to educate the customers on where to place their order exist. The menu sign is designed to help educate the public and was created with minimal wording.

Finding of Fact No. 2 – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

ADDENDUM A – Approved Findings of Fact

V16-24 / Sheetz / 21 Asturias Lane

The property was originally not located within the City limits and was not subject to the City's planning and zoning codes. Due to a right of way which fell under the Morgantown corporate limits, the property was ultimately incorporated into the City. The property sits on a high volume traffic road which has challenging topography.

Finding of Fact No. 3 – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

The granting of this variance will not be harmful to public welfare or harm property in the vicinity. To the contrary, it serves the public welfare by encouraging safe turning movements in and on the Property. The use of signage has been tactfully designed and incorporated with little nuisance to neighboring properties.

Finding of Fact No. 4 – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

The variance will not alter the land use characteristics of the vicinity or diminish the market value of adjacent properties or increase traffic congestion. The design of the signage is in conjunction with the architectural design of the building and services offered on the property. The design has also been tactfully completed without the use of loud and flashing/moving parts. The signage will help minimize conflicting traffic movements. The requested variance will not have any impact on the adjoining properties or the surrounding area.